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NOTIFICATION

No.H.12018/86/99-LJD/8, the 20th August, 1999. The following Act. of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Salaries, Allowances and Pension of Members of the Legislative Assembly Act, 1999.
(Act No. 5 of 1999)

(Received the assent of the Governor of Mizoram on the 12th August, 1999).

AN
ACT

to provide for the Salaries, Allowances and Pension of Member of the Legislative Assembly of Mizoram.

Be it enacted by the Mizoram Legislative Assembly in the Fiftieth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Mizoram Salaries, Allowances and Pension of Member of the Legislative Assembly Act, 1999.

(2) It shall be deemed to have come into force on the 1st day of August, 1999.

Definitions

2. In this Act, unless the context otherwise requires :

(a) "Assembly" means the Legislative Assembly of Mizoram;

(b) "Committee" means a Committee of the Assembly;

(c) "Day" means a period of 24 hours beginning at midnight;

(d) "Family" in relation to a Member means –

(i) his wife or her husband, as the case may be;

(ii) the children, step-children, widowed daughters, wholly dependent on such member; and

(iii) the parents, minor brothers, handicapped adult brothers, sisters and widowed sisters, wholly dependent on such Member;

(e) "Form" means a form appended to the Second Schedule;

(f) "Government" means the Government of Mizoram;

(g) "Member" means a member of the Assembly, save as otherwise expressly provided in this Act, does not include –

(i) A Minister as defined in the Mizoram Salaries and Allowances of Ministers Act, 1999;

(ii) the Speaker and the Deputy Speaker as defined in the Mizoram Salaries and Allowances of the Speaker and the Deputy Speaker Act, 1999;

(iii) the Leader of the Opposition as defined in the Mizoram Salaries and Allowances of Leader of the Opposition Act, 1999 and;

(iv) Government Chief Whip and Deputy Government Chief Whip as defined in the Mizoram Salaries and Allowances of Government Chief Whip and Deputy Government Chief Whip Act, 1999

but includes –

the Chief Minister, the Speaker, the Ministers, the Ministers of State, the Deputy Speaker, the Leader of the Opposition and the Government Chief Whip and Deputy Government Chief Whip for the purposes of grant of loans and advances under Section 14 and of pension under Section 15 and of death gratuity under Section 16;

(h) "Period of residence on duty" means the period during which a member resides at a place where a session or the Assembly or a sitting of a Committee is held or where any other business connected with his duties as such Member is transacted, or for the purpose of attending such session or sitting or for the purpose of attending such other business is transacted and includes–

(i) in a case of a session of the Assembly, a period of such residence, not exceeding three days immediately preceding the commencement of the session and a period of such residence, not exceeding three days immediately succeeding the date on which the Assembly is adjourned sine die or for a period exceeding seven days; and

(ii) in the case of a sitting of a Committee or any other business a period of such residence not exceeding two days, immediately preceding the commencement of the business of the Committee or other business and a period of such residence not exceeding two days immediately succeeding the conclusion of the business of the Committee or other business;

(i) "Prescribed authority" means the authority as prescribed by the Government from time to time;

(j) "Schedule" means a Schedule appended to this Act;

(k) "State" means the State of Mizoram.

(I) "Term of Office" in relation to a member means-

(i) Where such member is a member elected in a general election held for the purpose of constituting a new Assembly, the period beginning with the date of publication of the notification of the Election Commission under Section 73 of the Representation of the People Act, 1951; or

(ii) Where such member is member elected in a bye-election to the Assembly or a member nominated to the Assembly, the period beginning with the date of his election referred to in Section 67A of the said Act, or as the case may be the date of his nomination, and ending with, in each such case, the date on which his seat becomes vacant;

(m) "Headquarters" in relation to a member means Constituency Headquarters to be declared by the Speaker.

Salary and Daily Allowances

3. A member shall be paid a salary of Ten thousand rupees per mensem during the whole of his term of Office and shall also be entitled to receive daily allowances of Rs. 350/- for each day during the sitting of a session of the Assembly or the meeting of a Committee and for each day of period of residence at any place where any other business connected with his duties as member is transacted, such as attending a refresher course of seminar, conference or meeting of any Parliamentary Association, University or other recognised body on matters connected with Parliamentary Affairs., including the days spent on journeys for the purpose.

Residence, etc.

4. A member shall be entitled without any payment to the use and maintenance of a furnished residence throughout his term of office as a member and for a period of fifteen days immediately thereafter; and so long as such residence is not provided, he shall be entitled to a residence for which rental charges of not more than three thousand five hundred rupees per mensem.

EXPLANATION : For the purpose of this Section—

" maintenance '' in relation to a residence includes-

(i) Provision of electricity upto 600 units per mensem and free supply of water; and

(ii) installation of telephone with provision of telephone calls upto 3,000 calls per month.

Furnishing of residence

5. A Member who occupies own House shall be entitled to receive a sum of Rs. 50,000 in the first year for furnishing and Rs. 20,000 annually for the subsequent years of the term.

Constituency, contingency and family allowances.

6. A member shall be paid, per mensem constituency allowance of Rs. 5,000; contingency allowance of Rs. 3,000; and family allowance of Rs. 5,000.

Free Travelling by Train, etc. with family members

7. Notwithstanding anything contained in this Act and subject to the provisions of the Schedule, a Member shall be entitled to:-

(a) free travelling by any railway in first class air-conditioned 2 Tier coach upto 40,000 kilometres within India during five years' term with family upto 5 members and in case actual children are left out it may be increased with permission of the Speaker, subject to the ceiling of expenditure as may be incurred on travelling by any railway within India, as mentioned in this clause, or whichever is less.

(b) free travelling by air from Aizawl to Calcutta and Calcutta to Aizawl with family upto 5 members, in lieu of travel by any railway from Aizawl to Calcutta and Vice-versa.

EXPLANATION– For the purposes of this section, the term "first class train" means the most comfortable and highest ranking coach in the particular train along the particular route. Therefore, a member and his family or a member and his attendants shall be entitled to avail the first class air-conditioned coach where there is any such compartment in the particular train and if there is no first class air-conditioned coach and only the second class air-conditioned coach is available in the train, "the first class" shall include the second class air conditioned coach also.

Travelling or cash allowances

8. (1) Members shall not be paid separate travelling allowance in respect of every journey performed by him for the purpose of attending a session of the Assembly or sitting of Committee or for the purpose of attending to any other business connected with his duty as member from his/her constituency Headquarters to the place where the session or the sitting is to be held or the other business is to be transacted and for the return journey from such place to his constituency headquarters but cash allowance at the rate af Rs. 5/-per KM in lieu of Petrol, Oil and lubricants from Aizawl to constituency Headquarters by the shortest route shall be given to each member subject to a minimum of Rs. 500/- per mensem.

(2) There shall be paid travelling allowance to each member in respect of the journey performed by air or train or by road on tour for performing official duties outside the State.

(3) Where no government accommodation is available outside the State, member on official duty shall be entitled to reimbursement of accommodation charge of a room in a Three Star Hotel in addition to the Daily Allowance subject to production of actual payment receipt.

(4) Notwithstanding anything contained in sub-section (2), a member who performs a journey by road between places connected by rail, either wholly or in part, may draw the road mileage on the scale mentioned in sub-section (1);

Provided that the total allowance of travelling allowance drawn by such member for the entire journey shall not exceed the amount which would have been admissible to him/her, had he/she performed the journey by rail.

Provided further that a member shall be entitled to an advance of travelling, cash and daily allowances in respect of the tours undertaken by him/her.

Daily allowances for intermediate journey

9. When a member absents himself for less than seven days during a session of the Assembly or a sitting of a Committee for visiting any place in the State he shall be entitled to receive daily allowance in respect of such journey to such place and for the return journey under section 3.

Allowances during short intervals between termination of one session and commencement of another session

10. Where the interval between the adjournment of the Assembly and re-assembly of that Assembly does not exceed seven days and the member concerned elects to remain at such place during the interval, he/she shall be entitled to draw for each day of residence at such rate specified in Section 3.

Provided that if the member leaves such place during the interval, his/her absence during a session of the Assembly and the provisions of section 9 shall apply accordingly.

Travel by air, train or by road

11. A member shall be entitled to travel by air or train or by road on tour for performing official duties within India.

Vehicle

12. (a) A member shall be provided vehicle by the government the cost of which shall not exceed rupees four lakhs. If any member wants to have a vehicle the cost of which exceeds rupees four lakhs, the excess amount shall be deposited with the Assembly Secretariat by the member concerned, but the book value shall be calculated from rupees four lakhs.

Provided that the vehicle shall be redeemed at book value by the member concerned after he ceases to be a Member and in case he/she ceases to be a member due to death his wife/husband or legal heir shall redeem the vehicle.

(b) Member who is provided vehicle by the government shall be given one driver each. The appointment of which shall be co-terminus without any increment.

(c) Member shall be given maintenance charge for the vehicle as follows :—

1st year	— Rs. 5,000
2nd year	— Rs. 7,000
3rd year	— Rs. 10,000
4th year	— Rs. 14,000
5th year	— Rs. 16,000

EXPLANATION : Member includes Ministers, Speakers, Whips, and Leader of the Opposition Party recognised as such.

Personal Attendents

13. A member shall be entitled to the service of two Grade IV staff of his/her choice in the residence throughout his/her term of office. The appointment of which shall be co-terminus without any increment.

Grants of loans for construction or purchase of building, and advance for purchase of Motor Vehicle

14.(1) Subject to such conditions and limitations as may be prescribed by rules there may be paid to a member.

(a) a repayable loan for a sum of money not exceeding five lakh rupees for a building or purchasing a house;

(b) a repayable advance for a sum of money not exceeding four lakhs rupees or the actual cost of vehicle, whichever is less, for purchase of motor vehicle.

Provided that a member who has taken a loan or an advance under section 14 (1) (a) and section 14 (1) (b) respectively is not allowed to take a fresh loan or advance, as the case may be, unless and until he/she has repaid the loan or the advance taken during the previous term with interest thereon.

(2) On the application for a building loan a member shall execute a deed in the form prescribed by rules, undertaking to use the loan for the purpose for which is sanctioned, rendering himself and such property as may be specified in the deed as security including the house purchased or built with the aid of the loan liable for the repayment of the loan with interest due thereon.

Provided that no loan for building of the house shall be sanctioned unless the plot of land on which the house is to be built is exclusively owned and possessed by the members applying thereof, and is free from all encumbrances.

(3) On the application for advance for the purchase of a Motor Vehicle, a member shall execute a deed in a prescribed form undertaking to use the advance for the purpose for which it is sanctioned, rendering himself and the Motor Vehicle to be purchased liable for the repayment of the advance with interest due thereon.

(4) (i) No transfer, assignment of charge made or created after the execution of the deed under sub-section (2) under this section in relation to the property specified therein or the House purchased or built with the aid of loan or advance as the case may be shall be valid against the Government, unless it has been made or created with the previous consent of the Government in writing.

(ii) Where a member having obtained a loan or an advance under clauses (a) or (b) of sub-section (1) of this section, dies while holding office as such, the amount of the loan or the advance as the case may be or any part thereof which would have accrued on the date of his death in accordance with the terms and conditions of the grant of the loan or the advance alongwith interest thereon shall be written off with the sanction of the authority as may be prescribed by the Government from time to time.

(5) No member shall be allowed to avail both the opportunity of Vehicle being provided to him/her by Government under section 12(a) and the Car advance under this section.

Pension

15. (1) There shall be paid a pension of five thousand rupees per mensem to any member who has served for a period of five years or for any period shorter than five years, whether continuous or not,

(a) as a member of the erstwhile Assam Legislative Assembly from any constituency forming part of the present State of Mizoram, or

(b) as a member of the Legislative Assembly of the Union Territory of Mizoram, or

(c) as a member of the Legislative Assembly of the State of Mizoram.

(2) Where any person has been re-elected for the other term whether he has completed the term or not he shall be entitled to an additional pension of one thousand five hundred rupees per term, but in no case the pension payable to such person shall exceed ten thousand rupees.

(3) Where any person entitled to pension under sub-section (1)

(a) is elected to Office of the President or Vice-President of India or is appointed to the Office of the Governor of any State or the Administrator of any Union Territory; or

(b) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union Territory or any Legislative Council of a State; or

(c) is employed on a salary under the Central Government or any State Government or any Corporation owned or controlled by the Central Government or any State Government or any local authority or becomes otherwise entitled to any remuneration from such Government, Corporation or local authority.

Such person shall not be entitled to any pension under sub-section (1) for the period during which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration.

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to in clause (c) payable to such person is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(4) Where any person entitled to pension under sub-section (1) is also entitled to any other pension, such person shall be entitled to receive the pension under sub-section (1) in addition to such pension.

(5) There shall be paid an annual increment of pension at the rate of 5 per cent per annum.

(6) A member who had been elected three times or more before the commencement of this Act shall be entitled to draw a sum of Rs. 6500/- per month as an initial pension amount.

(7) In computing the number of years for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Mizoram Salaries and Allowances of Ministers Act, 1999, or as a Speaker defined in the Mizoram Salaries and allowances of the Speaker and the Deputy Speaker Act, 1999 or as a Leader of the Opposition as defined in the Mizoram Salaries and Allowances of the Leader of the Opposition Act, 1999 or as the Government Chief Whip as defined in the Mizoram Salaries and Allowances of Government Chief Whip and Deputy Government Chief Whip Act, 1999 or has served in all or any two of such capacities by virtue of his membership in the Mizoram Legislative Assembly or in the Assam Legislative Assembly shall also be taken into account.

Death Gratuity

16. If a member dies during his term of Office his spouse shall be paid a death gratuity of two lakhs rupees. If he has no surviving spouse at the time of his death, his other family member of the first preference, if any, shall be paid the said death gratuity.

Family Pension

17. (1) When a sitting or former Member dies his spouse or if he has no surviving spouse at the time of his death, his other family member of the first preference, if any, shall be paid a family pension of two thousand five hundred rupees per mensem subject to the limitation in sub-section (2).

(2) the period for which such family pension shall be payable to the widow or widower, son or daughter of a member shall be as follows:—

(a) in the case of a widow or widower upto date of death or remarriage, whichever is earlier.

(b) in the case of a son, until he attains the age of twenty five years.

(c) in the case of an unmarried daughter, until she attains the age of twenty five years or until she get married whichever is earlier.

Medical treatment

18. A member and the members of his family shall be entitled free of charge to accommodation in hospital maintained or recognised by the Government and also to medical treatment in accordance with the Medical Attendance Rules, as amended from time to time, as to First Grade Officer of the Government of Mizoram.

EXPLANATION : If a member has more than one wife residing with him, the benefit conferred by this section shall be available only to such wife as may be nominated in this behalf by the Member :

Provided that a member and the members of his family, if referred to by the Medical Board for examination, investigation and treatment outside the State, shall be entitled to travel by air :

Provided further that where no government accommodation is available outside the State, a member and the members of his family, if referred to by the Medical Board for examination, investigation and treatment outside the State, he shall be entitled to reimbursement of accommodation charge of a room in a Three Star Hotel.

Power to make rules

19. (1) The Government may, by notification in the Mizoram Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Mizoram, while it is in session, for a total period of seven days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following session or the successive sessions aforesaid, the Legislative Assembly of Mizoram agree that the rule, be made or should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be. However that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Special Provisions

20 In the special circumstances specified in the First Schedule, the provisions of this Act shall apply subject to the provisions of the Schedule.

Procedure

21. The provisions of the Second Schedule shall apply in respect of all claims for salaries and allowances.

Repeal and Saving

22. (1) The Mizoram Salaries, Allowances and Pensions of Members of Legislative Assembly Act, 1987 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act be deemed to have been done or taken under this Act.

P. Chakraborty,
Secretary,
Law & Judicial Deptt.,
Govt. of Mizoram.

FIRST SCHEDULE
(SEE SECTION 20)

Admissibility of Travelling allowance, where a member is provided with free transit for the whole or any part of the journey.

1. No separate travelling allowance shall be claimed by the members in respect of any journey or part thereof performed by him but he shall be entitled to draw daily allowance at the rate of three hundred fifty rupees only per diem where the duration of such journey lasts for not less than six hours on any day.

Admissibility of daily allowances where the place from which a member perform his journey or to which he returns is not his constituency headquarters.

2. Where during session of the Assembly or a sitting of a Committee, a member performs a journey not exceeding seven days from the place where such sitting is held to any other place for the purpose of attending to any business connected with his duties as a member, he/she shall be entitled to receive daily allowance for each day during any period of residence on duty at the other place at the rate of Rs. 350/- per day.

Regulation of payment of daily and travelling allowances

3. (1) Notwithstanding that a member has not taken his/her seat in the Assembly to which he/she is elected he/she shall be entitled to receive travelling allowances at the rate of Rs. 5/- per Kilometre for the journey performed by him/her for the purpose of taking his/her seat in the Assembly.

(2) For absence for a period of seven days or more during a session of the Assembly or a sitting of Committee for visiting any place in the State of Mizoram, no travelling or daily allowance will be admissible.

EXPLANATION : If a member comes back on the seventh day, whether in the forenoon or in the afternoon, his/her absence shall be treated as being less than seven days.

(3) The term "during a session " or "a sitting of a Committee" occuring in section 9 and in sub-paragraph (1) of section 8 does not include the period of three days immediately preceding the commencement of the session three days immediately succeeding the end of the session or two days immediately preceding the commencement of the business, and two days immediately succeeding the conclusions of the business of the Committee.

(4) If a member leaves the place where the session of the Assembly or sitting of a Committee is held before the commencement of the interval between the adjournment of the session or the sitting of a Committee sine die and the commencement of another session or sitting such interval not exceeding a period of three days, his/her absence from that place shall be treated as intermediate absence during a session of the Assembly or a sitting of a Committee as the case may be, and the provisions of section 9 shall apply accordingly.

(5) Daily allowance for a return journey to the constituency headquarters shall be admissible to a member who leaves the place of the session of the Assembly or a sitting of Committee during the continuance of such session or sitting and return to the place of session or sitting within three days after the conclusion of the business of the session of the sitting as the case may be, before finally returning to his constituency headquarters.

(6) All cases regarding the admissibility of daily allowances to a member who arrives at the place where a session of the Assembly or a sitting of a Committee is held, without knowledge of the postponement of the session or the sitting including cases of such members who arrive after the session or a sitting, is adjourned suddenly, shall be determined by the Speaker of the Assembly having regard to the circumstances of each case.

In case the member has performed such journey at his/her own expenses, he/she shall have to certify for the same as follows :

"Certified that I have not performed any part of the journey by a conveyance provided at the expense of the Government or a local fund".

(7) Where a member is provided with free board and lodging at the expense of any Government or a local fund, he shall be entitled to receive only daily allowance as admissible to him under section 3.

SECOND SCHEDULE

(See Section 21)

PROCEDURAL PROVISION :—

(1) Every member shall, as soon as possible after he/she is elected declare in Form 'A' appended to Second Schedule, his/her Constituency headquarters to the prescribed authority and any subsequent change in the constituency headquarters so declared shall be notified in the said Form to the prescribed authority.

(2) A member who claims any daily or other allowance under this Act shall support his/her claim by a certificate in the following form, namely :—

"Certified that no travelling allowance in respect of the journey or daily allowance for the period mentioned in this bill has been or will be claimed from any other official source".

(3) After completing each final return journey on termination of a session of the Assembly or a sitting of a Committee or any other business connected with his/her duties as a member, a member shall furnish a certificate in Form 'B' appended to Second Schedule.

(4) Ordinarily any non-governmental dues outstanding against a member shall not be recovered from his salaries and allowances but where such dues are on account of certain services rendered to him in the course of his duties as a member, such as when he is on tour with a committee, and the arrangements for such services have been made by or at the instance of semi-Government institutions or private parties at the request of Officers of the Assembly, and where such member, inspite of repeated requests, had failed to make payment of such dues, recovery thereof may be effected from the salaries or daily allowance bills of such member.

FORM 'A'

My Constituency headquarters is .....

.....

or

I have changed my Constituency headquarters from .....

..... : ..... to ..... with effect from .....due to ..... (here state the reason).

I may henceforward be allowed travelling allownnces from

.....—.....

Signature .....

Constituency .....

Date .....

FORM 'B'

DEPARTURE AND RETURN JOURNEY CERTIFICATE

The certificates may kindly be filled, signed and returned to the Secretary, Legislative Assembly, as soon as possible after the completion of the return journey.

(1) Certified that I performed the return Journey under section 9 of the Mizoram Salaries, Allowances and Pension of Members of Legislative Assembly Act, 1999 leaving -

..... (Place) on the .....

..... (Date) I arrive at.....

..... (Place) on the .....

..... (Date)

(2) Certified that I have not performed any part of journey (other than the railway journey) by a conveyance provided at the expense of the Government or a local fund.

(3) Certified that I actually travelled by air from ....(Place) to .....(Place) by day/night service.

Payment of the supplementary bill is required at ....(Station).

Member of the Legislative Assembly
Constituency .....

Station .....
Dated the .....
Strike out if not applicable.

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